

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**165.00****Complete If Known**

|                      |                     |
|----------------------|---------------------|
| Application Number   | 09/468,471          |
| Filing Date          | 12/21/99            |
| First Named Inventor | Vincent Divino, Jr. |
| Examiner Name        | Patricia Bianco     |
| Art Unit             | 3762                |
| Attorney Docket No.  | PA060-US            |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-1769

TherOx, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description        | Fee Paid    |
|-------------------------------|-------------------------------|------------------------|-------------|
| 1001 770                      | 2001 385                      | Utility filing fee     |             |
| 1002 340                      | 2002 170                      | Design filing fee      |             |
| 1003 530                      | 2003 265                      | Plant filing fee       |             |
| 1004 770                      | 2004 385                      | Reissue filing fee     |             |
| 1005 180                      | 2005 80                       | Provisional filing fee |             |
| <b>SUBTOTAL (1)</b>           |                               |                        | <b>(\$)</b> |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent        | -20** =      | X              |          |
| Multiple Dependent | -3** =       | X              |          |

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description  | Fee Paid    |
|-------------------------------|-------------------------------|--|-------------|
| 1202 18                       | 2202 9                        | Claims in excess of 20                                     |             |
| 1201 86                       | 2201 43                       | Independent claims in excess of 3                          |             |
| 1203 290                      | 2203 145                      | Multiple dependent claim, if not paid                      |             |
| 1204 86                       | 2204 43                       | ** Reissue Independent claims over original patent         |             |
| 1205 18                       | 2205 9                        | ** Reissue claims in excess of 20 and over original patent |             |
| <b>SUBTOTAL (2)</b>           |                               |  | <b>(\$)</b> |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity<br>Fee Code (\$)                           | Small Entity<br>Fee Code (\$) | Fee Description  | Fee Paid                 |
|---|-------------------------------|--|--------------------------|
| 1051 130  | 2051 65                       | Surcharge - late filing fee or oath  |                          |
| 1052 50   | 2052 25                       | Surcharge - late provisional filing fee or cover sheet                     |                          |
| 1053 130  | 1053 130                      | Non-English specification  |                          |
| 1812 2,520  | 1812 2,520                    | For filing a request for ex parte reexamination                            |                          |
| 1804 920*   | 1804 920*                     | Requesting publication of SIR prior to Examiner action                     |                          |
| 1805 1,840*   | 1805 1,840*                   | Requesting publication of SIR after Examiner action                        |                          |
| 1251 110  | 2251 55                       | Extension for reply within first month                                     | 55.00                    |
| 1252 420  | 2252 210                      | Extension for reply within second month                                    |                          |
| 1253 950  | 2253 475                      | Extension for reply within third month                                     |                          |
| 1254 1,480  | 2254 740                      | Extension for reply within fourth month                                    |                          |
| 1255 2,010  | 2255 1,005                    | Extension for reply within fifth month                                     |                          |
| 1401 330  | 2401 165                      | Notice of Appeal   |                          |
| 1402 330  | 2402 165                      | Filing a brief in support of an appeal                                     |                          |
| 1403 290  | 2403 145                      | Request for oral hearing   |                          |
| 1451 1,510  | 1451 1,510                    | Petition to institute a public use proceeding                              |                          |
| 1452 110  | 2452 55                       | Petition to revive - unavoidable   |                          |
| 1453 1,330  | 2453 665                      | Petition to revive - unintentional   |                          |
| 1501 1,330  | 2501 665                      | Utility issue fee (or reissue)   |                          |
| 1502 480  | 2502 240                      | Design issue fee   |                          |
| 1503 840  | 2503 320                      | Plant issue fee  |                          |
| 1460 130  | 1460 130                      | Petitions to the Commissioner  |                          |
| 1807 50   | 1807 50                       | Processing fee under 37 CFR 1.17(q)  |                          |
| 1806 180  | 1806 180                      | Submission of Information Disclosure Stmt                                  |                          |
| 8021 40   | 8021 40                       | Recording each patent assignment per property (times number of properties) |                          |
| 1809 770  | 2809 385                      | Filing a submission after final rejection (37 CFR 1.129(a))                |                          |
| 1810 770  | 2810 385                      | For each additional invention to be examined (37 CFR 1.129(b))             |                          |
| 1801 770  | 2801 385                      | Request for Continued Examination (RCE)                                    |                          |
| 1802 900  | 1802 900                      | Request for expedited examination of a design application                  |                          |
| Fee code 2814 Statutory Disclaimer under 37 CFR 1.20(d) |                               |  | 110.00                   |
| *Reduced by Basic Filing Fee Paid                       |                               |  |                          |
| <b>SUBTOTAL (3)</b>                                     |                               |  | <b>(\$)<b>165.00</b></b> |

**SUBMITTED BY**

|                   |                                  |                                   |                   |           |              |
|-------------------|----------------------------------|-----------------------------------|-------------------|-----------|--------------|
| Name (Print/Type) | Margaret A. Kivinski, P.E., Esq. | Registration No. (Attorney/Agent) | 38,517            | Telephone | 949-757-1999 |
| Signature         | <i>Margaret A. Kivinski</i>      | Date                              | September 7, 2004 |           |              |

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